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OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
FIFTY-EIGHTH LEGISLATURE

**FORTY-SEVENTH LEGISLATIVE DAY
FRIDAY, FEBRUARY 24, 2006**

Senate Chamber

President Pro Tempore Geddes called the Senate to order at 10:30 a.m.

Roll call showed all members present except Senators Cameron, Keough, Langhorst, Lodge, Marley, McGee, Pearce, Stegner, Sweet, and Werk, absent and excused.

Prayer was offered by Chaplain Don Hardenbrook.

The Pledge of Allegiance was led by Lacey Keller, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

Senators Keough, Pearce, and Sweet were recorded present at this order of business.

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of February 23, 2006, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

Senator McGee was recorded present at this order of business.

February 23, 2006

The JUDICIARY AND RULES Committee reports that **S 1255** has been correctly enrolled.

DARRINGTON, Chairman

The President Pro Tempore signed Enrolled **S 1255**, and ordered it transmitted to the House for the signature of the Speaker.

February 23, 2006

The FINANCE Committee reports out **SJR 107** with the recommendation that it do pass.

CAMERON, Chairman

SJR 107 was filed for second reading.

February 23, 2006

The AGRICULTURAL AFFAIRS Committee reports it has had under consideration the Gubernatorial appointment listed below and the Committee recommends that said appointment be confirmed by the Senate:

Dwight Horsch to the State Soil Conservation Commission, term to expire July 1, 2008.

WILLIAMS, Chairman

The Gubernatorial appointment was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

February 23, 2006

The COMMERCE AND HUMAN RESOURCES Committee reports out **S 1373** with the recommendation that it do pass.

ANDREASON, Chairman

S 1373 was filed for second reading.

February 24, 2006

The STATE AFFAIRS Committee reports out **HJM 16**, **H 571**, and **H 574** with the recommendation that they do pass.

BURTENSHAW, Chairman

HJM 16 was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

H 571 and **H 574** were filed for second reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Ninth Order of Business.

Messages from the House

Senator Stegner was recorded present at this order of business.

February 23, 2006

Mr. President:

I transmit herewith **H 432**, **H 647**, **H 458**, **H 459**, **H 461**, **H 473**, **H 606**, **H 659**, **H 575**, **H 490**, **H 493**, **H 548**, **H 564**, **H 566**, **HCR 32**, **HCR 33**, **H 444**, as amended, **H 589**, as amended, **H 544**, and **H 576** which have passed the House.

JUKER, Chief Clerk

H 432, H 647, H 458, H 459, H 461, H 473, H 606, H 659, H 575, H 490, H 493, H 548, H 564, H 566, HCR 32, HCR 33, H 444, as amended, **H 589**, as amended, **H 544**, and **H 576** were filed for first reading.

February 23, 2006

Mr. President:

I transmit herewith Enrolled **HJM 10** and **HJM 11** for the signature of the President.

JUKER, Chief Clerk

The President Pro Tempore signed Enrolled **HJM 10** and **HJM 11** and ordered them returned to the House.

The Senate advanced to the Tenth Order of Business.

Motions and Resolutions

Senators Cameron, Langhorst, Lodge, and Werk were recorded present at this order of business.

The President announced the State Affairs Committee report relative to the Gubernatorial appointments of John V. Evans and Hyong K. Pak was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Stennett, seconded by Senator Davis, the Gubernatorial appointment of John V. Evans as a member of the Idaho Energy Resources Authority was confirmed by voice vote.

On motion by Senator Malepeai, seconded by Senator Little, the Gubernatorial appointment of Hyong K. Pak as a member of the Idaho Commission on Human Rights was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare letters of the Gubernatorial appointment confirmations for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The Senate advanced to the Eleventh Order of Business.

Introduction, First Reading and Reference of Bills, House Petitions, Resolutions, and Memorials

S 1416

BY FINANCE COMMITTEE

AN ACT

RELATING TO THE IDAHO MILLENNIUM FUND; AMENDING CHAPTER 18, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-1801, IDAHO CODE, TO CREATE THE IDAHO MILLENNIUM PERMANENT ENDOWMENT FUND; AMENDING CHAPTER 18, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-1802, IDAHO CODE, TO PROVIDE FOR AN ANNUAL DISTRIBUTION FROM THE IDAHO MILLENNIUM PERMANENT ENDOWMENT FUND TO THE IDAHO

MILLENNIUM INCOME FUND; AMENDING SECTION 67-1801, IDAHO CODE, TO PROVIDE FOR DISTRIBUTION OF MONEYS TO THE IDAHO MILLENNIUM FUND, TO PROVIDE A CORRECT CODE REFERENCE AND TO REDESIGNATE THE SECTION; AMENDING SECTION 67-1803, IDAHO CODE, TO PROVIDE FOR AN ANNUAL DISTRIBUTION FROM THE IDAHO MILLENNIUM FUND AND TO REDESIGNATE THE SECTION; AMENDING CHAPTER 18, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-1805, IDAHO CODE, TO PROVIDE A FUND BALANCE LIMIT IN THE IDAHO MILLENNIUM FUND AND TO PROVIDE FOR TRANSFER TO THE IDAHO MILLENNIUM PERMANENT ENDOWMENT FUND OF ANY AMOUNT EXCEEDING THE STATUTORY LIMIT; AMENDING SECTION 67-1802, IDAHO CODE, TO PROVIDE THAT THE IDAHO MILLENNIUM INCOME FUND SHALL CONSIST OF DISTRIBUTIONS FROM THE IDAHO MILLENNIUM PERMANENT ENDOWMENT FUND, TO REVISE THE USES OF THE FUND AND TO REDESIGNATE THE SECTION; AMENDING SECTIONS 67-1804, 67-1805 AND 67-1806, IDAHO CODE, TO REDESIGNATE THE SECTIONS; PROVIDING AN EFFECTIVE DATE; AND DIRECTING THE STATE TREASURER TO TRANSFER TEN MILLION DOLLARS OF THE IDAHO MILLENNIUM FUND BALANCE TO THE IDAHO MILLENNIUM PERMANENT ENDOWMENT FUND UPON ADOPTION OF SENATE JOINT RESOLUTION NO. 107 BY THE ELECTORATE OF THE STATE OF IDAHO.

S 1417

BY FINANCE COMMITTEE

AN ACT

RELATING TO MEDICAL ASSISTANCE; AMENDING SECTION 56-238, IDAHO CODE, TO PROVIDE CODE REFERENCES AND TO REVISE THE DEFINITION FOR "ELIGIBLE CHILD"; AMENDING SECTION 56-240, IDAHO CODE, TO REFERENCE ELIGIBLE CHILDREN FOR PURPOSES OF THE CHILDREN'S ACCESS CARD PROGRAM AND TO PROVIDE CODE REFERENCES; AND AMENDING SECTION 56-241, IDAHO CODE, TO PROVIDE CODE REFERENCES AND TO REVISE PROVISIONS APPLICABLE TO THE PARTICIPATION OF SMALL EMPLOYERS IN THE SMALL BUSINESS HEALTH INSURANCE PILOT PROGRAM.

S 1418

BY FINANCE COMMITTEE

AN ACT

RELATING TO PUBLIC CHARTER SCHOOLS; AMENDING SECTION 33-5202A, IDAHO CODE, TO DEFINE "PROFESSIONAL-TECHNICAL REGIONAL PUBLIC CHARTER SCHOOL"; AMENDING SECTION 33-5203, IDAHO CODE, TO PROVIDE THAT APPROVAL OF A PROFESSIONAL-TECHNICAL REGIONAL PUBLIC CHARTER SCHOOL ALSO REQUIRES APPROVAL OF THE DIVISION OF PROFESSIONAL-TECHNICAL EDUCATION AND TO MAKE A TECHNICAL CORRECTION; AND AMENDING SECTION 33-5208, IDAHO CODE, TO PROVIDE FUNDING FOR PROFESSIONAL-TECHNICAL REGIONAL PUBLIC CHARTER SCHOOLS AND TO PROVIDE A CORRECT CODE REFERENCE.

S 1419
BY STATE AFFAIRS COMMITTEE
AN ACT

RELATING TO THE WAIVER OF SOVEREIGN IMMUNITY OF THE STATE OF IDAHO; AMENDING CHAPTER 59, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-5908A, IDAHO CODE, TO PROVIDE FOR A LIMITED WAIVER OF SOVEREIGN IMMUNITY FOR ANY PERSON, INCLUDING AN EMPLOYEE, FORMER EMPLOYEE OR PROSPECTIVE EMPLOYEE OF THE STATE, WHO IS AGGRIEVED BY ANY CONDUCT, ACTION OR INACTION OF THE STATE THAT WOULD CONSTITUTE A VIOLATION OF THE AMERICANS WITH DISABILITIES ACT AND TO DEFINE "STATE."

S 1416, S 1417, S 1418, and S 1419 were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

H 432, by Judiciary, Rules, and Administration Committee, was introduced, read the first time at length, and referred to the Judiciary and Rules Committee.

H 647, by Commerce and Human Resources Committee, was introduced, read the first time at length, and referred to the Commerce and Human Resources Committee.

H 458, H 459, H 461, and H 473, by Revenue and Taxation Committee, were introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

H 606 and H 659, by Transportation and Defense Committee, were introduced, read the first time at length, and referred to the Transportation Committee.

H 575, by Appropriations Committee, was introduced, read the first time at length, and referred to the Finance Committee.

H 490 and H 493, by Agricultural Affairs Committee, were introduced, read the first time at length, and referred to the Agricultural Affairs Committee.

H 548, by Business Committee, was introduced, read the first time at length, and referred to the Commerce and Human Resources Committee.

H 564 and H 566, by Health and Welfare Committee, were introduced, read the first time at length, and referred to the Health and Welfare Committee.

HCR 32 and HCR 33, by Education Committee, were introduced, read at length, and referred to the Education Committee.

H 444, as amended, by Revenue and Taxation Committee, was introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

H 589, as amended, by Judiciary, Rules, and Administration Committee, was introduced, read the first time at length, and referred to the Judiciary and Rules Committee.

H 544 and H 576, by Resources and Conservation Committee, were introduced, read the first time at length, and referred to the Resources and Environment Committee.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

S 1396, by Judiciary and Rules Committee, was read the second time at length and filed for third reading.

S 1385 and S 1391, by Resources and Environment Committee, were read the second time at length and filed for third reading.

S 1403, S 1397, and S 1413, by Judiciary and Rules Committee, were read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

Senator Marley was recorded present at this order of business.

S 1300, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Lodge arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Harper (Brandt), Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President Pro Tempore declared **S 1300**, as amended, passed, title was approved, and the bill ordered transmitted to the House.

S 1314, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Stegner arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Harper (Brandt), Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **S 1314**, as amended, passed, title was approved, and the bill ordered transmitted to the House.

S 1340, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McGee arose as sponsor of the bill and opened the debate.

The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Fulcher, Gannon, Geddes, Goedde, Harper (Brandt), Hill, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 33.

NAYS--Davis, Jorgenson. Total - 2.

Total - 35.

Whereupon the President Pro Tempore declared **S 1340**, as amended, passed, title was approved, and the bill ordered transmitted to the House.

S 1399 was read the third time at length, section by section, and placed before the Senate for final consideration. Senators Keough and Davis arose as co-sponsors of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Harper (Brandt), Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President Pro Tempore declared **S 1399** passed, title was approved, and the bill ordered transmitted to the House.

S 1352 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Stennett arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Harper (Brandt), Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President Pro Tempore declared **S 1352** passed, title was approved, and the bill ordered transmitted to the House.

S 1353 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Burtenshaw arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Harper (Brandt), Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President Pro Tempore declared **S 1353** passed, title was approved, and the bill ordered transmitted to the House.

S 1374 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Werk arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Harper (Brandt), Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President Pro Tempore declared **S 1374** passed, title was approved, and the bill ordered transmitted to the House.

S 1379 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Burkett arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

On request by Senator Burkett, granted by unanimous consent, **S 1379** retained its place on the Third Reading Calendar for Tuesday, February 28, 2006.

H 413 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McKenzie arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Harper (Brandt), Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President Pro Tempore declared **H 413** passed, title was approved, and the bill ordered returned to the House.

H 434 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Little arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Harper (Brandt), Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President Pro Tempore declared **H 434** passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, all Senate bills were placed at the head of the Third Reading Calendar, followed by House bill.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 12:05 p.m. until the hour of 10:30 a.m. Monday, February 27, 2006.

ROBERT L. GEDDES, President Pro Tempore

Attest: JEANNINE WOOD, Secretary